

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN A. **HOSSACK** and SAMUEL H. MASLAK
Junior Party
(Patent No. 5,928,151)

v.

DAVID N. **ROUNDHILL**, MICHALAKIS AVERKIOU,
and JEFFREY E. POWERS
Senior Party
(Application No. 09/617,318)

Patent Interference No. 105,877 (JC)
(Technology Center 3700)

DECLARATION – Bd. R. 203(b)¹

¹ “Bd.R. x” may be used as shorthand for “37 C.F.R. § 41.x”. 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of Interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application, patent, count(s) and claims designated
4 as corresponding or as not corresponding to the count(s) appear in Parts E and F of
5 this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Josiah Cocks has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **1:30 p.m.**
14 **on 10 July 2012** (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of motions (Bd.R. 120; Bd.R. 204; SO ¶¶
17 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named Inventors: John A. Hossack, Palo Alto, CA
Samuel H. Maslak, Woodside, CA

Involved Patent: Patent 5,928,151, issued 27 July 1999, based on
application 08/924,407, filed 22 August 1997.

Title: Ultrasonic System and Method for Harmonic
Imaging in Three Dimensions

Assignee: Siemens Medical Solutions USA, Inc.

Senior Party

Named Inventors: David N. Roundhill, Bothell, WA
Michalakakis Averkiou, Kirkland, WA
Jeffrey E. Powers, Bainbridge Island, WA

Involved Patent: Application 09/617,318, filed 17 July 2000.

Title: System and Method for Three Dimensional
Harmonic Ultrasound Imaging

Assignee: Philips Ultrasound, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is
assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of Hossack's 5,928,151 Patent

or

Claim 103 of Roundhill's Application

The claims of the parties are:

Hossack: 1-104

Roundhill: 103-107

The claims of the parties which correspond to Count 1 are:

Hossack: 1-104

Roundhill: 103-107

The claims of the parties which do not correspond to Count 1 are:

Hossack: none

Roundhill: none

The parties are accorded the following benefit for Count 1:

Hossack: none

Roundhill: application 09/247,343, filed 08 February 1999,
now patent 6,283,919.

application 08/943,546, filed 03 October, 1997,
now patent 5,879,303.

application 60/032,771, filed 26 November, 1996.

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference,
3 see SO ¶ 106.1.1:

4
5 Filed on behalf of: *Party @*

Paper *Leave Blank*

6 By: *Counsel Name(s) @*

7 *Address @*

8 *(@(@@) @@@- @(@@@) (telephone)*

9 *(@(@@) @@@- @(@@@) (facsimile)*

10
11 UNITED STATES PATENT AND TRADEMARK OFFICE

12
13 _____
14
15 BEFORE THE BOARD OF PATENT APPEALS
16 AND INTERFERENCES

17
18 _____
19 JOHN A. **HOSSACK** and SAMUEL H. MASLAK

20 Junior Party

21 (Patent No. 5,928,151)

22 v.

23
24 DAVID N. **ROUNDHILL**, MICHALAKIS AVERKIOU,

25 and JEFFREY E. POWERS

26 Senior Party

27 (Application No. 09/617,318)

28
29 _____
30 Patent Interference No. 105,877 (JC)

31 (Technology Center 3700)

Part H. Order form for requesting file copies

When requesting copies of files, sue of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Josiah C. Cocks/
Administrative Patent Judges

Enc:

Copy of STANDING ORDER (MARCH 2011)
Copy of claims of Application 09/617,318
Copy of Patent 5,928,151

cc (via overnight mail):

Attorney for Hossack:

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

Attorney for Roundhill:

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
Columbia Center
701 Fifth Avenue, Suite 6100
Seattle, Washington 98104-7043